



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

JAN 15 2003

Reply To
Attn Of: OW-131

Rachel Friedman
National Marine Fisheries Service
510 Desmond Drive S.E.
Suite 103
Lacey, Washington 98503

Dear Rachel:

I'd like to thank both you and Brent Norberg for your initial review of EPA's draft Biological Assessment for the Washington marine aquatic life criteria for copper and cyanide and for providing comments to us both in writing and in our meeting on December 16, 2002. I appreciate particularly the suggestion to build a better exposure assessment into this analysis up front. Your recommendations for contacts and additional references will be very helpful.

Since our meeting, at your suggestion, we've obtained the literature survey methodology from the EPA/NMFS/FWS consultation approach for EPA's national criteria and have forwarded that to Cheryl Niemi at Ecology. She will be doing that additional literature search for this BA.

I am not certain of the time frame for our revisions to this draft, since the Washington triennial review draft is now out for comment and both our agencies will be actively involved in that. However, when we are able to resume work on the copper and cyanide BA, I do want to request that this work be given a priority for review and technical support from your Science Center.

My reason for this request is as follows: When our agencies agreed to certain priorities for ESA consultation on water quality standards, we accidentally omitted consideration of marine criteria. Thus the Idaho toxics consultation on the 24 priority pollutant criteria for aquatic life protection and the Warm Springs consultation, picking up some of the non-priority pollutants, are entirely freshwater. This will leave us without any regional foundational consultations in marine water. At this time we anticipate that we will soon be deferring some consultations to the national consultation on the 304(a) criteria. The difficulty in that approach for this particular case is with the timing. The national consultations on the first group of criteria (which includes copper and cyanide) will probably take at least eighteen months, once they begin. The State of Washington cannot use their revised copper and cyanide criteria until EPA finishes consultation and removes the State from the National Toxics Rule for these two criteria. Therefore this is an important priority for the State. We plan to make revisions to the draft BA and hope that NMFS staff from the Science Center will be available to continue to assist in this review.

Released
under
FOIA

I understand that you will no longer be the primary point of contact on water quality standards reviews, so we will coordinate in the future with Thom Hooper. We appreciate your spirit of cooperation in the extensive Washington work thus far and look forward to close cooperation with Thom as we jointly review the new Washington revisions.

Sincerely,



Paula vanHaagen
Manager, Standards and Planning Unit

cc: Cheryl Niemi, Department of Ecology
Thom Hooper, NMFS
John Palmer, EPA